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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIE WORTHAMS, individually,

Plaintiff,

v.

GEICO CHOICE INSURANCE COMPANY,
a foreign entity; LEWIS BRISBOIS
BISGAARD & SMITH, LLP, a foreign
limited liability partnership; LEWIS ROCA
ROTHGERBER, CHRISTIE, LLP, a foreign
limited liability partnership; DOES I through
X, inclusive; and ROE CORPORATIONS I
through V, inclusive,

Defendants.

Case No. 2:24-cv-00023-JCM-NJK

**ORDER GRANTING
AMENDED STIPULATION TO EXTEND
DEADLINE FOR GEICO TO RESPOND
TO THE FIRST AMENDED COMPLAINT
TO AND INCLUDING JANUARY 16, 2024**

[First Request]

Pursuant to LR IA 6-1, Plaintiff Willie Worthams and Defendant GEICO Choice Insurance Company (“GEICO”), by and through their counsel of record, hereby submit to this Honorable Court this amended stipulation to extend the deadline for GEICO to respond to the First Amended Complaint (“FAC”) to and including January 16, 2024. This amended stipulation and proposed order replaces and moots the motion GEICO previously filed on January 9, 2024 (Dkt. No. 8) seeking the same relief. The amended stipulation and proposed order supplements the stipulation filed earlier on January 9, 2024 (Dkt. No. 9) through the addition of material to paragraph 13 below (addressing good cause).

The parties hereby stipulate and agree as follows:

1. On August 11, 2023, Plaintiff filed his original Complaint in the Eighth Judicial District Court, Case No. A-23-875800-C. ECF No. 1, Ex. A.

2. On December 4, 2023, Plaintiff filed the operative FAC. ECF No. 1, Ex. B.

3. Plaintiff served Defendants Lewis Brisbois and Lewis Roca on December 5, 2023.

4. Pursuant to Nev. R. Civ. P. 12(a)(1)(A), Lewis Brisbois and Lewis Roca’s original deadline to respond to the FAC was December 26, 2023.

5. Prior to removal, Plaintiff agreed to extend the deadlines for Lewis Brisbois and Lewis Roca to respond to the FAC until January 16, 2024.

6. Plaintiff served GEICO on December 7, 2023 through the Nevada Division of Insurance pursuant to Nev. Rev. Stat. § 680A.260. ECF No. 1, Ex. C.

7. On January 4, 2024, GEICO filed its Notice of Removal. ECF No. 1. On the same day, it filed and served that notice in the Nevada state court action, along with a certificate of service that the same was served on Plaintiff’s counsel by electronically filing it with the Clerk of the Court using the Odyssey E-File & Serve system.

8. The Notice of Removal alleged in relevant part that Plaintiff could not assert viable claims against Lewis Brisbois and Lewis Roca and that they had consequently been fraudulently joined to defeat diversity jurisdiction. ECF No. 1, ¶¶ 13-22.

9. Under Fed. R. Civ. P. 81(c)(2), the deadline for GEICO to file a responsive pleading in this Court is on January 11, 2024.

1 10. On January 4, 2024, after removal, GEICO contacted Plaintiff's counsel, seeking a
2 stipulation to extend all response deadlines—for GEICO and the other defendants—until after a
3 ruling is made by this Court on a motion to remand, or the deadline to file the same has passed in
4 the event Plaintiff did not move to remand.

5 11. On January 5, 2024, Plaintiff responded as follows: "Plaintiff will agree to
6 jurisdiction as there does not appear to be cause for remand. As you are aware a Joint Status Report
7 is due 2/4/24. Thus, as previously stated Plaintiff is willing to stipulate to 1/16 for responsive
8 pleading."

9 12. In light of Plaintiff's agreement not to challenge jurisdiction in this Court or seek
10 remand, the parties agree to extend GEICO's deadline to file any response to the FAC to and
11 including January 16, 2024, and ask this Court to order the same.

12 13. Good cause supports this request. As GEICO was served with the FAC on December
13 7, 2023, a substantial portion of its time to prepare and file a response to the FAC fell over the
14 Holidays. Counsel for GEICO had extensive pre-planned travel over the Holidays. Additionally,
15 in that time, GEICO's counsel had to prepare a notice of removal, the deadline for which could not
16 be extended. *See* 28 U.S.C. § 1446(b)(1). GEICO's counsel devoted substantial resources over the
17 holidays to preparing the filings related to that Notice of Removal, notwithstanding travel plans,
18 which it filed on January 4, 2024 in this Court. ECF No. 1. GEICO now seeks, on stipulation with
19 the Plaintiff, a modest 7-day extension—its first—to accommodate those overlapping schedule
20 demands.

21 14. This request is made in good faith and without intent to cause undue delay.

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1 15. In accordance with LR IA 6-1, this is the first request for an extension of time to
2 respond to the FAC.

3 Dated: January 10, 2024

By: /s/ Jonathan W. Carlson
McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP
Jonathan W. Carlson
Nevada Bar No. 10536
Mandy Vogel
Nevada Bar No. 16150

MUNGER, TOLLES & OLSON LLP
Cary B. Lerman (*pro hac vice* forthcoming)
California Bar No. 54937
J. Max Rosen (*pro hac vice* forthcoming)
California Bar No. 310789
Joseph N. Glynn (*pro hac vice* forthcoming)
California Bar No. 337652

Attorneys for Defendant
GEICO Choice Insurance Company

14
15 Dated: January 10, 2024

By: /s/ Jerome R. Bowen
BOWEN LAW OFFICES
Jerome R. Bowen
Nevada Bar No. 4540
Aneta Mackovski
Nevada Bar No. 10397

Attorneys for Plaintiff
Willie Worthams

22 IT IS SO ORDERED this 11th day of January, 2024 that the deadline for GEICO to file any
23 response to the First Amended Complaint is extended to and including January 16, 2024.
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27 UNITED STATES MAGISTRATE JUDGE
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